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Docket No.: YOR920000754US3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): Adams et al.
Docket No.: YOR920000754US3
Serial No.: 10/678,514
Filing Date: October 3, 2003
Group: 3663
Examiner: Ronnie M. Mancho

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Signature: Ven Mauro Date: September 18, 2006

Title: Apparatus, System, and Method for Determining a User Position and Progress Along a Path

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THIRD CORRECTED APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants hereby submit this third corrected Appeal Brief to conform to the current format requirements. Appellants note that the Summary of Claimed Subject Matter included in the Corrected Appeal Brief contained the limitations of the independent claims and referred to the specification by page and line number. The original Appeal Brief was submitted on November 17, 2005 to appeal the final rejection dated June 20, 2005, of claims 1 through 13 of the above-identified patent application, the Corrected Appeal Brief was submitted on March 17, 2006, and the Twice Corrected Appeal Brief was submitted on June 30, 2006.

REAL PARTY IN INTEREST

The present application is assigned to IBM Corporation, as evidenced by an assignment recorded on November 15, 2000 in the United States Patent and Trademark Office at Reel 011330, Frame 0164. The assignee, IBM Corporation, is the real party in interest.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

Claims 1 through 13 are pending in the above-identified patent application. Claims 1-13 remain rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement and claims 1-13 remain rejected under 35 U.S.C. § 102(b) as being anticipated by DeLorme et al. (United States Patent Number 5,938,040). Claims 1-13 are being appealed.

STATUS OF AMENDMENTS

There have been no amendments filed subsequent to the present Office Action.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention is a device (100/130) that has one or more memories that store a set of position points defining respective locations within one or more physical areas (page 4, lines 1-11). A communication interface (100) on the device communicates with one or more signal sources (110, 120) located at one or more of the respective locations proximate to the position detection device. Each of the signal sources (110, 120) responds to the device with information about the respective location (page 5, lines 7-15). A path process (220) defines one or more paths connecting one or more of the position points in response to a user query. The path process (220) accesses the information from one or more of the signal sources (110, 120) and determines the progress of the device user through the physical area as defined by the path. A user interface (320, 330) communicates the progress through the physical area to the user (page 5, line 15, to page 6, line 22).

The disclosed position detection device (100/130; page 4, line 22, to page 5, line 13) comprises one or more memories that store a set of position points defining assigned locations within one or more physical areas (page 4, lines 1-4); a communication interface (100) for communicating with one or more signal sources (110, 120; page 5, lines 10-13), wherein each of said one or more signal sources (110, 120) is located at one of the assigned locations proximate to the position detection device, each of the signal sources (110, 120) having information about its assigned location, each of the signal sources (110, 120) comprising at least one wireless identification tag that is stimulated by at least one signal sent from the communication interface (100) and that returns the information to the communication interface (100; page 5, lines 10-21); a path process (220) that defines one or more paths connecting one or more of the position points in response to a user query, the path process (220) further accessing the information from one or more of the signal sources (110, 120) to determine a progress of the position detection device through the physical area as defined by the path (page 6, lines 15-22); and an interface (320, 330) that communicates the progress of the position detection device (100/130) through the physical area to the user (page 5, line 22, to page 6, line 14).

A method for determining a position of a user is also disclosed, comprising the steps of: storing in a memory a set of position points defining assigned locations within one or more physical areas (page 4, lines 1-4); communicating with one or more signal sources (110, 120; page 5, lines 10-13), wherein each of the one or more signal sources (110, 120) is located at one of the assigned locations proximate to a position detection device, each of the signal sources (110, 120) having information about the respective assigned location, each of the signal sources (110, 120) comprising at least one wireless identification tag that is stimulated by at least one signal sent from the communication interface (100) and that returns the information to the communication interface (100; page 5, lines 10-21); defining one or more paths connecting one or more of the position points in response to a user query; accessing the information from one or more of the signal sources (110, 120) to determine a progress of the position detection device through the physical area as defined by the path (page 6, lines 15-22); and communicating the progress of the position detection device (100/130) through the physical area to the user (page 5, line 22, to page 6, line 14).

A system for determining a position of a user is disclosed, comprising: means for storing in a memory a set of position points defining assigned locations within one or more physical areas (page 4, lines 1-4); means for communicating with one or more signal sources (110, 120; page 5, lines 10-13), wherein each of the one or more signal sources (110, 120) is located at one of the assigned locations proximate to a position detection device, each of the signal sources (110, 120) having information about the respective assigned location, each of the signal sources (110, 120) comprising at least one wireless identification tag that is stimulated by at least one signal sent from the communication interface (100) and that returns the information to the communication interface (100; page 5, lines 10-21); means for defining one or more paths connecting one or more of the position points in response to a user query; means for accessing the information from one or more of the signal sources (110, 120) to determine a progress of the position detection device through the physical area as defined by the path (page 6, lines 15-22); and means for communicating the progress of the position detection device (100/130) through the physical area to the user (page 5, line 22, to page 6, line 14).

STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-13 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement and claims 1-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by DeLorme et al.

ARGUMENT

Section 112 Rejections

Claims 1-13 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner asserts that, "as an example, applicant's fig. 1 show two signal sources 110, 120 belonging to a users of a navigation system. These signal sources were not assigned any locations in applicant's disclosure. The signal sources belonging to the users make a query about information related to navigation from a host (100, 130, 140)." The Examiner further asserts that the present disclosure reveals that the claimed "position detection device" and "signal source" refer to the same entity, that the applicant claims that "the position device" moves, and that the specification indicates that the signal sources 110, 120 move.

Regarding the Examiner's assertion that the signal sources were not assigned any locations in applicant's disclosure, Applicants note that the present specification teaches that "*one or more signal sources (are) located at one or more of the respective locations* proximate to the position detection device. Each of the signal sources responds to the device with information about the respective location." (Page 4, lines 4-7; emphasis added.)

Regarding the Examiner's assertion that the present disclosure reveals that the claimed "position detection device" and "signal source" refer to the same entity, Applicants note that the present disclosure teaches that "block 110 is an RFID tag for location A. The card 110 is stimulated by the signals sent from the transceiver 100 (part of the position detection device) and sends return information to the transceiver 100." (Page 4, lines 24-25.) As noted above, the present disclosure clearly recites that the signal sources are "located at one or more of the respective locations proximate to the position detection device. Each of the signal sources responds to the device with information about the respective location." (Page 4, lines 4-7.) RFID tag 110 is a *signal source*, as defined in the present specification. While transceiver 100 sends signals, transceiver 100 clearly does not meet the definition of a *signal source*, as defined in the present specification.

Regarding the Examiner's assertion that the specification indicates that the signal sources 110, 120 move, the present specification teaches (as noted above) that "one or more signal sources (are) *located at one or more of the respective locations* proximate to the position detection device. Each of the signal sources responds to the device with information about the respective location." (Page 4, lines 4-7; emphasis added.) Applicants could find no disclosure in the specification that signal sources 110, 120 move.

Section 102 Rejections

Independent Claims 1, 7, and 10

Independent claims 1, 7, and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by DeLorme et al. Regarding claim 1, the Examiner asserts that DeLorme et al. disclose a position detection device (203; FIGS. 2 and 3; col. 30, lines 58+; col. 73, lines 8-17) comprising...a path process (FIGS. 4-6; col. 44, line 42 thru col. 45, line 27) that defines one or more paths connecting one or more of the position points in response to a user query (906, FIG. 9B), the path process further accessing the information (see GPS 908, FIG. 9A; col. 72, lines 1-19) from one or more of the signal sources (905, 906) to determine a progress of the position detection device through the physical area as defined by the path.

Applicants note that DeLorme teaches that the *progress of the one or more signal sources 905, 906, 907 (see, FIG. 9B) through a physical area* is determined by accessing the information of GPS 908 (col. 77, lines 34-44). DeLorme teaches that the *position detection device (element 203 in FIG. 2 and element TRIPS 904 in FIG. 9B) is located at a fixed location* in a building (FIG. 9B) and *obtains the location information from GPS 908 to track signal sources 905, 906, 907.* DeLorme, thus, teaches away from the present invention by teaching that the position detection device is in a fixed location and by teaching that the position detection device tracks the progress of the signal sources. Independent claims 1, 7, and 10 require a "accessing the information from one or more of the signal sources to determine a *progress of the position detection device* through the physical area as defined by the path."

Conclusion

Thus, DeLorme et al. do not disclose or suggest determining the "*progress of the position detection device* through the physical area," as required by independent claims 1, 7, and 10.

The rejection of the cited claims under sections 112 and 102 in view of DeLorme are therefore believed to be improper and should be withdrawn. The rejected dependent claims are believed allowable for at least the reasons identified above with respect to the independent claims.

The attention of the Examiner and the Appeal Board to this matter is appreciated.

Respectfully,

Date: September 18, 2006

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APPENDIX

1. A position detection device comprising:

one or more memories that store a set of position points defining assigned locations within one or more physical areas;

a communication interface for communicating with one or more signal sources, wherein each of said one or more signal sources is located at one of the assigned locations proximate to the position detection device, each of the signal sources having information about its assigned location, each of the signal sources comprising at least one wireless identification tag that is stimulated by at least one signal sent from the communication interface and that returns the information to the communication interface;

a path process that defines one or more paths connecting one or more of the position points in response to a user query, the path process further accessing the information from one or more of the signal sources to determine a progress of the position detection device through the physical area as defined by the path; and

an interface that communicates the progress of the position detection device through the physical area to the user.

2. A device, as in claim 1, where the physical area includes any one or more of the following: a street, an interior of a building, a transit station, a retail store, and a town.

3. A device, as in claim 1, where the information includes non position information about the respective location.

4. A device, as in claim 3, where the non position information includes any one or more of the following information types: a building name, an address, a surname, a business name, a work place, a hotel, a restaurant, a civic directory, a performance program, a residence address, a directory of occupants, a set of directions to a next location, a warning, a designation of one or more obstacles, a route, a public announcement, a government notice, tourist information, and exhibit information.

5. A device, as in claim 1, wherein the interface further comprises a tactile map interface that updates a tactile map to indicate a current user position and at least one direction to a destination.

6. A device, as in claim 5, wherein the interface further comprises a speech synthesis module that converts the progress from text to audio.

7. A method for determining a position of a user comprising the steps of:

storing in a memory a set of position points defining assigned locations within one or more physical areas;

communicating with one or more signal sources, wherein each of said one or more signal sources is located at one of the assigned locations proximate to a position detection device, each of the signal sources having information about the respective assigned location, each of the signal sources comprising at least one wireless identification tag that is stimulated by at least one signal sent from the communication interface and that returns the information to the communication interface;

defining one or more paths connecting one or more of the position points in response to a user query;

accessing the information from one or more of the signal sources to determine a progress of the position detection device through the physical area as defined by the path; and

communicating the progress of the position detection device through the physical area to the user.

8. A method, as in claim 7, wherein the step of communicating further comprises the step of updating a tactile map to indicate a current user position and at least one direction to a destination.

9. A method, as in claim 8, wherein the step of communicating further comprises the step of converting the progress from text to audio.

10. A system for determining a position of a user comprising:

means for storing in a memory a set of position points defining assigned locations within one or more physical areas;

means for communicating with one or more signal sources, wherein each of said one or more signal sources is located at one of the assigned locations proximate to a position detection device, each of the signal sources having information about the respective assigned location, each of the signal sources comprising at least one wireless identification tag that is stimulated by at least one signal sent from the communication interface and that returns the information to the communication interface;

means for defining one or more paths connecting one or more of the position points in response to a user query;

means for accessing the information from one or more of the signal sources to determine a progress of the position detection device through the physical area as defined by the path; and

means for communicating the progress of the position detection device through the physical area to the user.

11. A system, as in claim 10, wherein the means for communicating further comprises a means for updating a tactile map to indicate a current user position and directions to a destination.

12. A system, as in claim 11, wherein the means for communicating further comprises means for converting the progress from text to audio.

13. A device, as in claim 1, wherein the wireless identification tag includes any one or more of the following: a radio frequency transmitter, an infrared transmitter, and a spread spectrum transmitter.

EVIDENCE APPENDIX

There is no evidence submitted pursuant to § 1.130, 1.131, or 1.132 or entered by the Examiner and relied upon by appellant.

RELATED PROCEEDINGS APPENDIX

There are no known decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 CFR 41.37.

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PATENT & TRADEMARK OFFICE

Attorney Docket: YOR920000754US3

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Patent Application

Applicant(s):	Adams et al.
Docket No.:	YOR920000754US3
Serial No.:	10/678,514
Filing Date:	October 3, 2003
Group:	3663
Examiner:	Ronnie M. Mancho

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Signature: Date: September 18, 2006

Title: Apparatus, System, and Method for Determining a User Position and Progress Along a Path

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RESPONSE TO NOTIFICATION OF NON-COMPLIANCE WITH 37 C.F.R. §41.37

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Non-Compliance with 37 C.F.R. §41.37, dated August 18, 2006, Applicants submit herewith a Third Corrected Appeal Brief.

Respectfully,

Kevin M. Mason

Date: September 18, 2006

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OIPE IAP78 SEP 21 2006 PATENT & TRADEMARK OFFICE

Attorney Docket: YOR920000754US3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): Adams et al.
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TRANSMITTAL LETTER

Mail Stop Appeal Brief - Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are the following documents relating to the above-identified patent application:

1. Response to Notification of Non-Compliance with 37 C.F.R. §41.37; and
2. Third Corrected Appeal Brief.

In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **IBM Corporation's Deposit Account No. 50-0510** as required to correct the error a duplicate copy of this letter is enclosed.

Respectfully,

Date: September 18, 2006

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